

Memorandum

September 11, 2012

TO: Presiding Judge, 7th Judicial District

FROM: Rose McVay, Mental Health Advocate

RE: XXXXXXXXXX

As the Mental Health Advocate for Clinton County, I have asked the clerk to present this memo along with the complete Court file for reconsideration.

The Court received a periodic physicians report dated September 7, 2012. Subsequently the Court issued an order for outpatient treatment. I would respectfully request the Court review said report again. The report filed by XXXXXXXXXX states the respondent is currently mentally ill and gives a diagnosis and supporting facts of alcoholism. Iowa Code Chapter 125 covers substance abuse commitments. I believe XXXXXXXXXX would also need a mental health diagnosis in order to meet the criteria for serious mental impairment. Although I am not an attorney, I believe per the legal definition of serious mental impairment and as supported by the Iowa Supreme Court ruling: BAA vs. University of Iowa Hospitals, 421 N.W. 2d 118 (Iowa 1988) a respondent would have to meet all three criteria of serious mental impairment by clear and convincing evidence in order to remain under a mental health commitment.

Based on the information provided by the Chief Medical Officer, I would request the Court consider termination of this commitment and allow XXXXXXXX to continue his treatment on a voluntary basis.